



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE March 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Midland Pacific Homes/ MVE Investments, LLC	FILE NO. SUB2003-00271
<b>SUBJECT</b> A request for a <b>second time extension</b> by Midland Pacific Homes/MVE Investments, LLC for Tentative Tract Map 2633 to subdivide an existing 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping. The proposed project is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, in the community of San Miguel. The site is in the Salinas River Subarea in the North County Planning Area.			
<b>RECOMMENDED ACTION</b> Approve the <b>second time extension request</b> for Tentative Tract Map 2633.			
<b>ENVIRONMENTAL DETERMINATION</b> A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on July 5, 2005 for this project. The Negative Declaration was approved by the Board of Supervisors on November 15, 2005.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 021-371-001	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> Sec. 22.10.095 – Highway Corridor Design Standards; 22.104.060A.1 – Compliance with the San Miguel Design Plan; 22.104.060F.4 – Cemetery Road south of 10 <sup>th</sup> Street <i>Does the project conform to the Planning Area Standards – Yes</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Ch. 22.22.080 –Subdivision Design in Residential Single Family and Multi-Family Categories			
<b>EXISTING USES:</b> Vacant			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Commercial Retail / Vacant                      East: Recreation / Vacant South: Public Facility / Cemetery                      West: Agriculture / Scattered residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> Tentative Tract Map 2633 was originally referred to: San Miguel Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, San Miguel Community Services District, Cal Trans.			
<b>TOPOGRAPHY:</b> Gently sloping		<b>VEGETATION:</b> Scattered oaks, chaparral, grasses	
<b>PROPOSED SERVICES:</b> Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department		<b>ACCEPTANCE DATE:</b> N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

## TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Tentative Tract Map 2633 was approved by the Planning Commission on February 23, 2006 and was set to expire on February 23, 2016. On January 25, 2016, the applicant requested the **second one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Tentative Tract Map 2633 is a request by Midland Pacific Homes/MVE Investments, LLC to subdivide an existing 24.43-acre parcel into 44 lots between 10,000 to 15,000 square feet in size and four open space parcels 0.2, 1.9, 2.9, and 4.8 acres in size. Proposed tract improvements include access roads, two detention basins, detached pedestrian walkways, a neighborhood park, and landscaping. The proposed project is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, in the community of San Miguel. The site is in the Salinas River Subarea in the North County Planning Area.

This tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## DISCUSSION

### The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was February 23, 2008. The Planning Commission approved a first one year time extension request on February 28, 2008 and the revised expiration date was February 23, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Tentative Tract Map 2633 was extended to February 23, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Tentative Tract Map 2633 was extended to February 23, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Tentative Tract Map 2633 was extended to February 23, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 it extends the tentative map twenty four (24) months. Tentative Tract Map 2633 was extended to February 23, 2016.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the tentative map, staff recommends to the Planning Commission that the **second one year time extension** be granted to February 23, 2017 subject to the conditions of approval set by the Planning Commission on February 23, 2006 in accordance with Resolution No. 2006-012.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 – Planning Commission Resolution No. 2006-012

Staff report prepared by Jo Manson and reviewed by Steve McMasters.